SUPREME COURT, U. S.

No. 71-823

Supreme Court, U.S.
FILED
JAN 14 1972
E. ROBERT SEAVER, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1971

GLENN JORGENSON, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the District of Utah, petitioner was convicted of having conspired to defraud the Federal Housing Administration, in violation of 18 U.S.C. 371, and of twelve counts of preparing fraudulent F.H.A. Title I Home Improvement Loans, in violation of 18 U.S.C. 1010. He was fined a total of $1,000 on the conspiracy and two substantive counts, and placed on two years' probation on the remaining substantive counts. The court of appeals affirmed (Pet. App. A) and its judgment was entered on November 19, 1971. The petition, which was not filed until December 22, 1971, is out of time under Rule 22(2) of the Rules of this Court.

The gist of the fraud was the obtaining of home improvement loans to pay for the purchase of automobiles. Petitioner, who was tried with seven co-defendants, urges here that the trial court unduly restricted cross-examination by forbidding counsel for one defendant to ask the same questions which had previously been asked by counsel for another defendant; that Rule 43, Fed.R. Crim.P., was violated when certain conferences between court and counsel (including his counsel) were held while he was allegedly not present; and that he was improperly joined with co-defendants. These contentions were fully considered and properly rejected by the court of appeals in an opinion upon which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

JANUARY 1972.

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